

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

§
§
§
§
§
§
§

Civil Action No. 4:20-cv-00957-SDJ

**GOOGLE’S UPDATE TO ITS RESPONSE TO PLAINTIFFS’
REQUEST FOR STATUS CONFERENCE AND TRIAL SETTING**

Google LLC (“Google”) respectfully submits a brief update to its response to Plaintiffs’ request for a status conference and early trial date (ECF No. 146). Google provides this update to keep the Court apprised of relevant case developments and in further support of its opposition to Plaintiffs’ request for a status conference at this time.

As explained in its June 12, 2023 response (ECF No. 147), Google filed an emergency motion asking the Judicial Panel on Multidistrict Litigation (“JPML”) to stay transfer of the case back to this Court so that Google may appeal the JPML’s remand order. On June 12, 2023, the JPML granted Google an administrative stay pending further order and set Google’s motion for stay for the JPML’s July 27, 2023 sitting. The full order reads:

Before the Panel is defendant Google’s Emergency Motion for Stay Pending Appeal By Writ of Mandamus, for a Temporary Administrative Stay Pending Consideration of This Motion, and to Expedite Briefing and Consideration of This Motion. The Panel has determined that a temporary administrative stay is warranted to allow full briefing and consideration of the Emergency Motion for Stay Pending Appeal, and thus STAYS the remand order pending further order of the Panel. The Panel will consider the matter at its bimonthly hearing session on July 27, 2023. The briefing schedule is expedited as follows: Responses due on or before 6/30/2023. Reply, if any, due on or before 7/6/2023.

In re Google Digital Advertising Antitrust Litig., MDL No. 3010 (J.P.M.L. June 12, 2023), ECF No. 252.

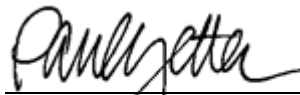
On June 13, 2023, Plaintiffs filed a motion with the JPML to lift the administrative stay or further expedite the briefing and hearing. Google opposed the motion. The JPML denied Plaintiffs' motion yesterday. Its full ruling is as follows:

Before the Panel is the State Plaintiffs' Emergency Motion to Lift Administrative Stay, asking the Panel to dissolve or shorten the June 12, 2023 order administratively staying the Panel order remanding the State of Texas action to its Eastern District of Texas transferor court ([250] in MDL No. 3010). Google opposes the motion ([254] in MDL No. 3010). The arguments presented by the State Plaintiffs do not warrant a change in the administrative stay or briefing schedule. The administrative stay puts the briefing on a schedule for consideration of Google's Emergency Motion for Stay Pending Appeal at the Panel's July 27, 2023 hearing, which is about a month beyond the schedule proposed by State Plaintiffs. The Panel intends to issue a ruling shortly after the hearing, and sees no undue prejudice to State Plaintiffs from this schedule. The State Plaintiffs' Motion is DENIED.

In re Google Digital Advertising Antitrust Litig., MDL No. 3010 (J.P.M.L. June 15, 2023), ECF No. 255.

Dated: June 16, 2023

Respectfully submitted,



R. Paul Yetter
State Bar No. 22154200
Bryce L. Callahan
State Bar No. 24055248
YETTER COLEMAN LLP
811 Main Street, Suite 4100
Houston, Texas 77002
(713) 632-8000
pyetter@yettercoleman.com
bcallahan@yettercoleman.com

Eric Mahr (*pro hac vice*)
Julie S. Elmer (*pro hac vice*)
FRESHFIELDS BRUCKHAUS DERINGER LLP
700 13th Street NW, 10th Floor
Washington, D.C. 20005
(202) 777-4545
eric.mahr@freshfields.com
julie.elmer@freshfields.com

ATTORNEYS FOR
DEFENDANT GOOGLE LLC

CERTIFICATE OF SERVICE

I certify that on this 16th day of June, 2023, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who consented to electronic service per Local Rule CV-5(a)(3)(A).

/s/ Bryce L. Callahan

Bryce L. Callahan